

IN RE: PETITION FOR ZONING VARIANCE
E/S Wiltshire Road, 22' S of
the c/l of Riverside Road
(171 Wiltshire Road)
15th Election District
5th Councilmanic District
Essex Church of God
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-223-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a distance between buildings of 26 feet and 13 feet in lieu of the required 30 feet and 60 feet respectively, and front and side yard setbacks of 5 feet each in lieu of the required 40 feet and 20 feet respectively, for proposed office space, stairway and Baptistry addition in accordance with Petitioner's Exhibit 1.

The Petitioner, by Reverend Ralph E. Day, Pastor and Reverend Paul J. Benedetto, Jr., appeared, testified and were represented by Lance I. Vatemán, Esquire. Also appearing on behalf of the Petition was Stephen G. Annis, Engineer with Reliance Engineering Service, Co., Inc. There were no Protestants.

Testimony indicated that the subject property, known as 171 Wiltshire Road, consists of 0.95 acres zoned D.R. 5.5 and is the site of the Essex Church of God which has existed on the property since 1961. Said property is located within the Chesapeake Bay Critical Areas near Back River. The property is currently improved with a one story masonry building with a basement level containing 3,000 sq.ft. total and a two and one-half story building to the rear of the property which is used as a parsonage. Petitioner is desirous of constructing an addition to the rear of the existing church to accommodate a pastor's office, Sunday school

room, a baptistry enclosure, and a stairwell enclosure. Petitioner is also desirous of placing an addition on the front of the church building to provide a foyer area with basement access. The requested variances are necessary in order for Petitioner to proceed with the proposed improvements. Petitioner argued that the granting of the variance will not result in any detriment to the health, safety or general welfare of the surrounding community. Petitioner further referred to the comments submitted by various County agencies and indicated that either all are favorable or will be complied with.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be

- 2 -

denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 18th day of February, 1991 that the Petition for Zoning Variance to permit a distance between buildings of 26 feet and 13 feet in lieu of the required 30 feet and 60 feet respectively, and front and side yard setbacks of 5 feet each in lieu of the required 40 feet and 20 feet respectively, for proposed office space, stairway and Baptistry addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Prior to the issuance of any permits, Petitioner shall submit a landscape plan for approval by the Deputy Director of Planning. A copy of the approved landscape plan shall be submitted to the Zoning Commissioner's Office for inclusion in the case file.
- 3) Prior to the issuance of any permits, Petitioner shall submit a revised site plan incorporating the requirements of the Department of Permits and Licenses as set forth in their Zoning Plans Advisory Committee comments dated November 15, 1990. The revised site plan shall be approved by the Department of Permits and Licenses as being in compliance with their requirements prior to the issuance of any permits.

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PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.2.C.1, 1802.2.B (V.B.2, CDF) to allow a distance between buildings of 26 ft. & 13 ft. in lieu of the required 30 ft. & 60 ft. respectively, and to allow front & side yard setbacks of 5 ft. each in lieu of the required 40 ft. & 20 ft. respectively.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
In order to conduct full worship services, the church is in need of a Baptistry, which is proposed to be built above the existing lower level projection in this same area which would provide proper egress from the lower level and the sanctuary. In addition, a new office is required for the Pastor with direct access to the altar area, and this has also been located in this end of the building.

(Continued on Attached)
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
Lance I. Vatemán

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: 204-766-9112

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of February, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 27th day of February, 1991, at 11 o'clock

RECEIVED FOR FILING
Date 2/25/91
By [Signature]
ALL [Signature]
REVIEWED BY: [Signature] DATE 10-26-91

MAP NE2C
F-2
10 15
12 6 9
1000
1921-7788

Legal Owner(s): Essex Church of God
171 Wiltshire Road-Baltimore, MD 21221-7788

(Type or Print Name)
Signature Walter O. Pardew, Church Trustee

(Type or Print Name)
Signature W. Joseph Vitek III, Church Trustee

CONTACT: Rev. Ralph E. Day, Pastor
1-301-687-3144

Address Phone No.
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Reliance Engineering Service Co., Inc.

720 S. Montford Avenue
Baltimore, Maryland 21224 (301-276-8030)

Address Phone No.

Signature [Signature]
Zoning Commissioner of Baltimore County

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated February 6, 1991, attached hereto and made a part hereof.

AMN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 25, 1991

Lance I. Vatemán, Esquire
655 Crain Highway, S.E.
Glen Burnie, Maryland 21061

RE: PETITION FOR ZONING VARIANCE
E/S Wiltshire Road, 22' S of the c/l of Riverside Road
(171 Wiltshire Road)
15th Election District - 5th Councilmanic District
Essex Church of God - Petitioner
Case No. 91-223-A

Dear Mr. Vatemán:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Rev. Ralph E. Day, Pastor
171 Wiltshire Road, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

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RELANCE ENGINEERING SERVICE CO., INC.

720 SOUTH MONTFORD AVENUE BALTIMORE, MARYLAND 21224 301-276-8030
FAX (301) 558-1390

Registered Professional Engineers
— ESTABLISHED 1950 —

ZONING DESCRIPTION

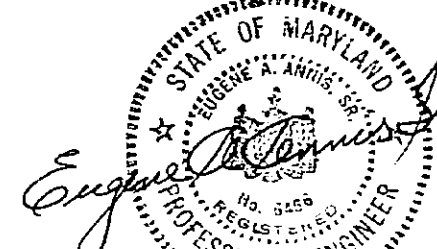
Beginning at a point on the east side of Wiltshire Road which is 50 feet of right-of-way at the distance of 122 feet south of the centerline of the nearest improved street, Riverside Road, which is 50 feet of right-of-way wide. Thence, the following courses and distances:

Binding Wiltshire Road in a southeasterly direction along the arc of a curve having a radius of 615.00 feet and a long chord distance of 262.35 feet. Binding alleyway in a northeasterly direction along the arc of a curve having a radius of 25.00 feet and a long chord distance of 11.01 feet, N 86°-30'-25" E 106.48 feet, N 30°-29'-35" W 269.20 feet, binding Riverside Road in a northwesterly direction along the arc of a curve having a radius of 534.30 feet and a long chord distance of 104.00 feet, S 18°-25'-20" W 75.59 feet, N 56°-05'-40" W 50.00 feet to the place of beginning.

Also, beginning at a point on the west side of Wiltshire Road which is 50 feet of right-of-way wide at the distance of 262 feet south of the centerline of the nearest improved street, Riverside Road, which is 50 feet of right-of-way wide. Thence the following courses and distances:

Binding Wiltshire Road in a southeasterly direction along the arc of a curve having a radius of 665.00 feet, and a long chord distance of 117 feet, S 12°-16'-03" W 27.73 feet, N 86°-30'-25" E 122.48 feet, S 00°-01'-35" E 77.00 feet, S 61°-41'-36" E 63.00 feet, S 25°-35'-24" W 5.50 feet, N 74°-57'-36" W 139.71 feet, N 15°-02'-24" E 54.88 feet to the place of beginning.

As recorded in Deed Liber 5326, Folio 940 and Liber 5488, Folio 761 and Liber 4064, Folio 168.



• MECHANICAL ENGINEERING • ARCHITECTURAL ENGINEERING • PLANT ENGINEERING • SYSTEMS DESIGN
• STRUCTURAL ENGINEERING • FOUNDATION DESIGN • MACHINE DESIGN • GENERAL DRAFTING

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1224 Date of Posting: 1/18/91
Posted for: Essex Church of God
Petitioner: Essex Church of God
Location of property: 171 Wiltshire Rd., 22' S of c/l Riverside Rd.
Location of Sign: Property of Petitioner
Remarks: See above
Posted by: J. Robert Haines Date of return: 1/18/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION TOWSON, MD. 1-10-1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1-3-1991.

THE JEFFERSONIAN,

S. Zabe Publisher

\$ 37.52

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 91-223-A
171 Wiltshire Road, 22' S of c/l Riverside Road
15th Election District - 5th Councilmanic
Petitioner(s): Essex Church of God
HEARING: THURSDAY, FEBRUARY 7, 1991 AT 11:00 A.M.
Variance to allow a distance between buildings of 26 ft. and 13 ft. in lieu of the required 30 ft. and 60 ft., respectively, and to allow front and side yard setbacks of 5 ft. each in lieu of the required 40 ft. and 20 ft., respectively.

Middle River, Md., Jan 4 1991

This is to Certify, That the annexed Case No. 91-223-A

was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 1st day of Jan, 1991.
J. Robert Haines Publisher.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
N. 3760

Date: 10/25/90 H9106175
PUBLIC HEARING FEES QTY PRICE
020 - ZONING VARIANCE (OTHER) 1 X \$175.00
TOTAL: \$175.00
LAST NAME OF OWNER: ESSEX CHURCH
C440440119MIDHRC \$175.00
8A C012:199A10-26-90
Please make checks payable to: Baltimore County
Cashier Validation:

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 1/25/91

Essex Church of God
171 Wiltshire Road
Baltimore, Maryland 21221-7788

ATTN: REV. RALPH E. DAY, PASTOR

RE:
Case Number: 91-223-A
171 Wiltshire Road, 22' S of c/l Riverside Road
15th Election District - 5th Councilmanic
Petitioner(s): Essex Church of God
HEARING: THURSDAY, FEBRUARY 7, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 79.58 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Lance I. Yatemman, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 17, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-223-A
171 Wiltshire Road, 22' S of c/l Riverside Road
15th Election District - 5th Councilmanic
Petitioner(s): Essex Church of God
HEARING: THURSDAY, FEBRUARY 7, 1991 at 11:00 a.m.

Variance to allow a distance between buildings of 26 ft. and 13 ft. in lieu of the required 30 ft. and 60 ft., respectively, and to allow front and side yard setbacks of 5 ft. each in lieu of the required 40 ft. and 20 ft., respectively.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

cc: Essex Church of God
Lance I. Yatemman, Esq.
Reliance Engineering Service Co., Inc.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 28, 1991

Lance I. Yatemman, Esquire
655 Crain Highway, S. E.
Glen Burnie, MD 21061

RE: Item No. 179, Case No. 91-223-A
Petitioner: Essex Church of God
Petition for Zoning Variance

Dear Mr. Yatemman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Walter Pardew
Essex Church of God
171 Wiltshire Road
Baltimore, MD 21221-7788

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
21st day of November, 1990.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Essex Church of God

Petitioner's Attorney: Lance I. Yatemman

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: December 6, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Essex Church of God, Item No. 179

The Petitioner requests a Variance to allow a distance between buildings of 26 ft. and 13 ft. in lieu of the required 30 ft. and 60 ft., respectively; and to allow front and side yard setbacks of 5 ft. each in lieu of the required 40 ft. and 20 ft., respectively.

- The proposed improvements to the church will not result in the need for additional parking.
- The additions are minor; therefore, a CRG review is not required.

Based upon a review of the information provided, staff recommends the Petitioner's request be granted subject to the following condition:

- The submission of a landscape plan to the deputy director of the Office of Planning and Zoning is required prior to the issuance of any building permits.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM179/ZAC1

received
12/11/90

101 Bodley Avenue Suite 105
Towson, MD 21204

887-3554
Fax 887-5784

December 10, 1990

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 165, 166, 171, 173, 179, 183, 185, 190, 191, 192 and 197.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab

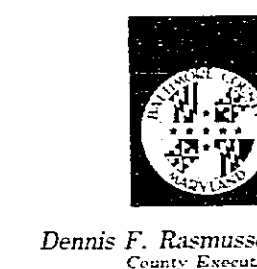
received
12/13/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(801) 887-4500

Paul H. Reincke
Chief

NOVEMBER 21, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



RE: Property Owner: ESSEX CHURCH OF GOD

Location: #171 WILTSHIRE ROAD

Item No.: 179 Zoning Agenda: NOVEMBER 20, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

11/24/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
November 15, 1990

received
11/24/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

FROM: CHARLES E. BURHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 179
PROPERTY OWNER: Essex Church of God
LOCATION: E/S Wiltshire Road, 22' of centerline
Riverside Road (#171 Wiltshire Road)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- (X) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- (X) PARKING LOCATION (X) RAMPS (degree slope)
- (X) NUMBER PARKING SPACES (X) CURB CUTS
- (X) BUILDING ACCESS (X) SIGNAGE
- (X) PLAN DOES, DOES NOT, COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. *Insufficient data to determine compliance to Section 906.0.*
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 867-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: November 16, 1990

FROM: Robert M. Pauline, F.R.C.

RE: Zoning Advisory Committee Meeting for November 20, 1990

The Development Reviewing Division has reviewed the subject zoning item and has no comments for Items 165, 166, 171, 173, 179, 183, 185, 190, 191, 192, 197 and 198.

Item 191 is subject to the Planning and Zoning Review Group comments.

Robert M. Pauline
ROBERT M. PAULINE, F.R.C., Chief
Development Reviewing Division

DWB:s

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: February 6, 1991

FROM: Mr. Donald C. Outen

SUBJECT: Petition for Zoning Variance - Item 179
Essex Church of God
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 171 Wiltshire Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. Walter O. Pardew, Church Trustee

APPLICANT PROPOSAL

The applicant has requested a variance from section 1802.3.C.1, 1802.2.B (V.B.2, CMPD) of the Baltimore County Zoning Regulations to permit "a distance between buildings of 26 feet and 13 feet in lieu of the required 30 feet and 60 feet respectively and to allow front and side yard setbacks of 5 feet each, in lieu of the required 40 feet and 20 feet respectively".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." COMAR 14.15.10.01.02

Memo to Mr. J. Robert Haines
February 6, 1991
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REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-216(a)>.

Finding: The proposed addition is located approximately 300 feet from the tidal waters of Back River. Therefore, no disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: A combination of several Best Management Techniques have been agreed to by Pastor Day, of the Essex Church of God, to bring this property into compliance with the above regulation.

First, the rainspouts on the west side of the existing Church building, directly discharge into Wiltshire Road. The rainspout furthest from the road shall be disconnected from the underground pipe and allowed to sheetflow across the grass. The rainspout on the northeast corner shall be redirected and allowed to sheetflow across the grass and all new rainspouts shall be oriented so that they also sheetflow across grass.

Secondly, the parking lot, across Wiltshire Road, has caused a redirection of stormwater runoff from the alley. A small channel has been cut out and carries this water to a nearby stream. This channel shall be stabilized to prevent additional gully and erosion. The side-slopes should be cut back to a 2:1 slope and the channel covered with Mirafi Mat or similar fabric (see attached Grassed Swale Shematic).

Memo to J. Robert Haines
February 6, 1991
Page 3

The final requirement is that at least eight additional trees be planted on the property. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them (See attached list of native species).

CONCLUSION

The Zoning Variance shall be conditioned to the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Donald C. Outen
Donald C. Outen, Acting Director
Department of Environmental Protection
and Resource Management

DCO:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Vincent Gardina
The Honorable Donald Mason
Mrs. Janice B. Outen
Pastor Day

Side-slopes 3:1 or Less

Swale Slopes as Close to Zero as Drainage Will Permit

Dense Growth of Grass (Reed Canary or KY-31 Tall Fescue) or Mixture Mat.

Weep Hole

Not needed

Not needed

Stone Prevents Downstream Scour

Pollutants are removed by the filtering action of the grass, deposition in low velocity areas, and by filtration into the subsoil. Field monitoring has provided mixed results as to the extent of pollutant removal performed by swales. Kercher et al. (1983) and Yousef et al. (1985) reported moderate to high removal of particulate pollutants in low gradient, densely vegetated swales in Florida. In contrast, Oakland (1984) reported moderate removal of particulate pollutants and negligible removal of soluble pollutants in a low-gradient swale, underlain by relatively impermeable soils in New Hampshire.

Source: Controlling Urban Runoff, Tom Schuler for Washington Metropolitan
Water Resources Planning Board, July 1987.

CARL A. MULY
LANCE I. YATEMAN
IRVING H. MEZGER
1889-1961
WINSTON MEZGER
1912-1973
H. ALLEN MEZGER, OF COUNSEL

Julie Winiarski
Baltimore County Government
Office of Planning & Zoning
111 West Chesapeake Ave.
Towson, MD 21204

RE: Item NO. 179, Case No. 91-223-A
Petitioner: Essex Church of God
Petition for Zoning Variance

I am in receipt of the comments submitted from the members of the Zoning Advisory Committee with regard to the above captioned matter. I have now had the opportunity to review said comments with my client, the Essex Church of God, and with our engineer, Mike Courtney, of Reliance Engineering.

I have been instructed to advise the Committee that we are ready, willing, and able to comply with all of said comments and that we intend to follow each and every of the rules, regulations, and ordinances of Baltimore County as engendered by the project in question.

Your continued courtesy and cooperation in this matter is greatly appreciated.

Very truly yours,

LANCE I. YATEMAN

LIY:bvr

cc: Reverend Ralph E. Day
Pastor, Essex Church of God

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council!

PLEASE PRINT CLEARLY

NAME
LANCE I. TATEMAN, Esq
STEPHEN G. ANDERSON
DR. RALPH E. DART
Prof. Paul J. Bonaventura JR

ADDRESS

655 Green H. Hwy, Glen Burnie, Md. 21061
120 S. Westford Ave. Btwn. 2424
171 LITTLEPIRE RD-BALT. 21221
PO BOX 125 Simpsonville Md 21150

1 - SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
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Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88, 151-88, 152-88, 153-88, 154-88, 155-88, 156-88, 157-88, 158-88, 159-88, 160-88

Chairman, County Council

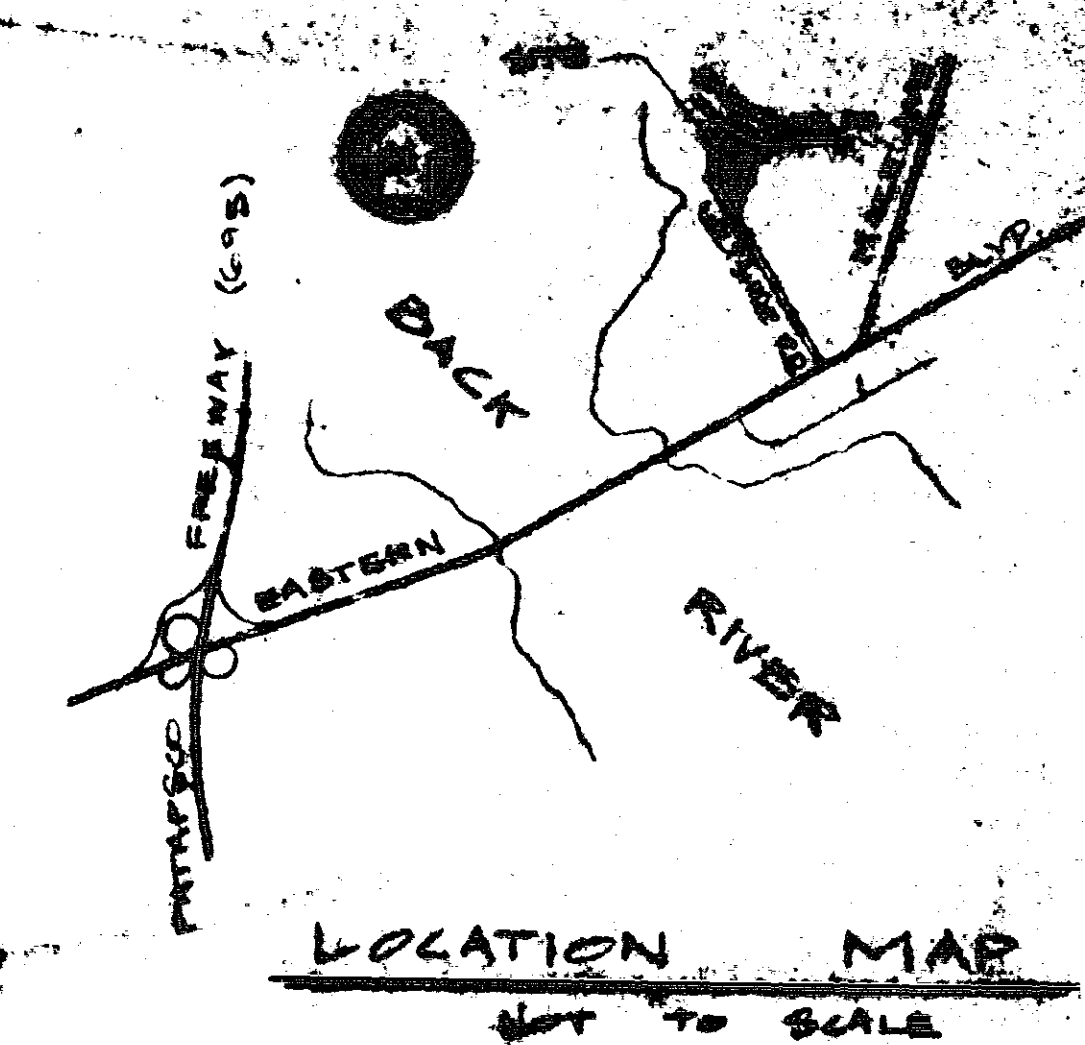
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE 1" = 200'±	LOCATION ESSEX	SHEET N E 2-G
DATE OF PHOTOGRAPHY JANUARY 1986		



NOTE:

ALL INFORMATION REGARDING BOUNDARY, PROPERTY LINES, EXISTING BUILDINGS, CURBS, SIDEWALKS, AND OTHER FEATURES EXISTING, SANITARY AND OTHER FEATURES, UNLESS OTHERWISE NOTED, IS BASED ON THE PLAN FOR CHURCH OF GOD NO. 10 PREPARED BY FRANK E. LEE, CERTIFIED LAND SURVEYOR, 1577 N. WILSHIRE AVE., BALTIMORE, MARYLAND 21227, DATED 11/4/81.



SITE PLAN DATA:

1. PROPERTY ZONED D.R. 5.5
2. 15TH ELECTION DISTRICT, 5TH CONGRESSIONAL DISTRICT
3. PROPERTY: 0.95 ACRES (AREA OF PROPERTY WHERE PROPOSED ADDITION ARE TO BE BUILT)
4. A.C.S. - NONE REQUIRED
F.A.R. = $0.428 + 60,582 = 0.127$

91-223-A

PARKING DATA:

ALL PARKING SHOWN IS EXISTING

EXISTING PARSONAGE	2
EXISTING SANCTUARY SEATING	192
1 SPACE PER 6 SEATS	32
(REQUIREMENTS PRIOR TO 1980)	
PROPOSED PASTOR'S OFFICE (254 SQ. FT.)	
3.3 PER 1,000 SQ. FT.	
$(254 + 1,000) \times 3.3 = 0.84$	
PROPOSED STAIRWAY ENCLOSURE	0
PROPOSED BAPTISTRY ENCLOSURE	0

NOTE: THE LOWER LEVEL OF THIS EXISTING SANCTUARY & PROPOSED PASTOR'S OFFICE ARE USED FOR SUNDAY SCHOOL CLASSROOMS. THESE ROOMS ARE NEVER IN USE WHEN SUNDAY WORSHIP SERVICES ARE BEING CONDUCTED THEREFORE, THE PARKING PROVIDED FOR THE SANCTUARY WOULD BE USED FOR THE LOWER LEVEL.

TOTAL PARKING REQUIRED	35
PARKING PROVIDED	37
PROPOSED FUTURE ROYAL W/ BASEMENT ACCESS	0

PLAN TO ACCOMPANY PETITION FOR ZONING VARIANCE

SITE PLAN & LOCATION MAP

25 OCT 1982	ESSEX CHURCH OF GOD
171 WILSHIRE RD	
BALTIMORE, MARYLAND	
25 OCT 1982	

PROPOSED BLDG. LEGEND

- PROPOSED PASTOR'S OFFICE (UPPER FLOOR), 254 SQ. FT.
PROPOSED SUNDAY SCHOOL ROOM (LOWER FLOOR), 254 SQ. FT.
HGT. = 17'-6" ABOVE GRADE
- PROPOSED BAPTISTRY ENCLOSURE, 161 SQ. FT.
HGT. = 27'-0" ABOVE GRADE
- PROPOSED STAIRWELL ENCLOSURE, 175 SQ. FT.
HGT. = 19'-9" ABOVE GRADE